

From: Alex Hill
To: Microsoft ATR
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Subject: Microsoft Settlement

The Proposed Settlement of the Microsoft antitrust case is inadequate. There are many problems with the settlement, far more than I can go into. Therefore, I will mention only a few of the inadequacies.

1. Microsoft must allow all third party programmers free access to all APIs and communications protocols used to interoperate with Windows or any other Microsoft products. Section III.J.2b allows Microsoft to release APIs only to a third party that "has a reasonable business need for the API, Documentation or Communications Protocol for a planned or shipping product." This access cannot be limited to commercial programmers. Specifically, programmers who do not seek to make a profit or who are working on open source projects must have the same access to APIs and communications protocol documentation that commercial, for-profit programmers have.

2. Section III.J.1a is a glaring weakness to the stipulation that Microsoft reveal its APIs. Microsoft has repeatedly hidden behind claims that it cannot reveal key elements of its software for 'security reasons.' This is often called 'security through obscurity', and its merit is highly questionable on security grounds; many security experts agree that the only way a security measure can be considered adequate is by allowing the security measure to pass rigorous inspection by security experts. Any good security measure should be strong enough so that even a person who has access to the entire source code of the security protocol cannot break the security.

I do not propose that Microsoft be forced to open its source code for review by outside security experts; such a provision would unfairly limit Microsoft's ability to compete. However, security is not an acceptable reason for Microsoft to refuse to document APIs or communications protocols that, by the Final Judgment, they would otherwise be required to disclose.

3. In productivity software, the most important factor for a potential competitor to Microsoft is the ability to read and write files that are fully compatible with Word and Excel files. The Final Judgment does not adequately require Microsoft to fully document their file formats, so any consumer who does not use Microsoft Office will continue to be at a disadvantage whenever he needs to share a file with an Office using person. Current Microsoft file formats can be read by competing office suites such as Sun's StarOffice or Apple's AppleWorks as long as the files are quite simple. However, any Microsoft Office file that contains more complicated elements such as tables does not display well in other office suites. Therefore, the Final Judgment must be amended to force

Microsoft to fully document its file formats, without including any features in the file format that only Microsoft products can effectively use.

Thank you for your time.

Sincerely yours,
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